

04-26-04

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)  
NSO-001.01

First named inventor: Kwok Leung Lam

Application No.: 09/758,034

Art Unit: 2641

Filed: January 9, 2001

Examiner: Not yet assigned

Title: System and Method for Utterance Verification of Chinese Long and Short Keywords

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

RECEIVED

APR 28 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### 1. Petition fee

☒ Small entity - fee \$665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

### 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notice to File Missing Parts (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

04/27/2004 AWONDAF1 00000114 09758034

06 FC:1461

256.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

04/27/2004 AWONDAF1 00000114 09758034

05 FC:2453

665.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

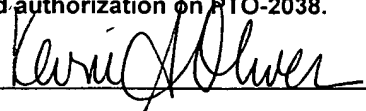
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

April 23, 2004

Date



Signature

Telephone

Number: (617) 832-1241

Kevin A. Oliver

Typed or printed name

155 Seaport Boulevard

Address

Boston, MA 02210-2600

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other : \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

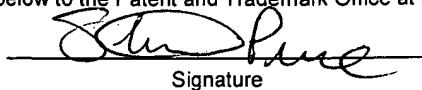
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as Express mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mailing Label No. EV 327721883 US

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

April 23, 2004

Date



Signature

Steve Pereira

Typed or printed name of person signing certificate



415


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

APR 23 2004

In re Application of: Lam et al.	)	
	)	
Serial No.: 09/758,034	)	Group Art Unit: 2641
	)	
Filed: January 9, 2001	)	Examiner: Not Yet Assigned
	)	
For: System and Method for Utterance	)	Attorney Docket No.: NSO-001.01
Verification of Chinese Long and Short	)	
Keywords	)	

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV 327721883 US) in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **April 23, 2004**.

  
Steve Pereira

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Dear Sir:

Applicants submit this Petition under 37 C.F.R. § 1.47(a) in reply to the Notice to File Missing Parts dated April 5, 2001. The Notice to File Missing Parts indicates that an executed declaration of inventors Kwok Leung Lam and Pascale Fung is required to complete the filing of the application. Applicants have been unable to find or reach inventor Pascale Fung after diligent effort. Accordingly, Applicants submit this Petition to complete the filing of the application.

Pursuant to 37 C.F.R. § 1.47(a) and § 1.17(h), Applicants provide a check to cover the \$130.00 fee for consideration of this petition.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a), Applicants provide a declaration that is executed by inventor Kwok Leung Lam with the signature block of non-signing inventor Pascale Fung left blank.

FHBoston/1044307.1

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Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (d), Applicants state the following:

1. At the time the inventions of the present application were invented, inventor Fung was employed by Weniwen.com, Inc.

2. Applicants' Attorney obtained the last known address of inventor Fung from NuSuara Technologies Sdn. Bhd. (NuSuara), which entity is the successor-in-interest to Weniwen.com, Inc.

3. Applicants' Attorney sought to contact inventor Fung on June 20, 2003. On that date, Applicants' Attorney deposited with DHL Worldwide Express a package addressed to the last known address of inventor Fung. This package included a letter to inventor Fung and a declaration and an assignment for execution by inventor Fung. A copy of the June 20, 2003 letter to inventor Fung is attached as Exhibit A.

4. Applicants' Attorney did not receive any response from inventor Fung in reply to the June 20, 2003 letter.

5. Applicants' Attorney sought to contact inventor Fung on January 6, 2004. On that date, Applicants' Attorney deposited with DHL Worldwide Express another package addressed to the last known address of inventor Fung. This package also included a letter to inventor Fung and a declaration and an assignment for execution by inventor Fung. A copy of the January 6, 2004 letter to inventor Fung is attached as Exhibit B, and a copy of the DHL Shipment Air Waybill is attached as Exhibit C.

6. Applicants' Attorney did not receive any response from inventor Fung to the January 6, 2004 letter.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (e), Applicants state that the last known address of inventor Pascale Fung is:

Department of Electrical and Electronic Engineering,  
University of Science and Technology,  
Clear Water Bay, Kowloon  
Hong Kong.

Based on the foregoing statements and the accompanying documents, Applicants request that the Commissioner grant this Petition under 37 C.F.R. § 1.47(a).

Applicants' Attorney considers this Petition to be complete. Should additional fees be required for consideration of the Petition, Applicants' Attorney requests that the additional fees be charged to **Deposit Account No. 06-1448, Reference NSO-001.01**. Further, Applicants' Attorney hereby authorizes the Commissioner to credit any overpayment to **Deposit Account Number 06-1448, Reference NSO-001.01**.

Should questions arise concerning this Petition, please contact the undersigned.

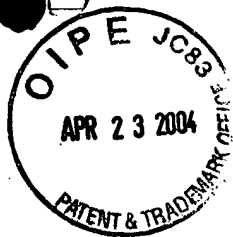
Respectfully submitted,  
FOLEY HOAG LLP

Date:

April 23, 2004

Customer No. 25,181  
Patent Group  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210  
Tel: (617) 832-1241  
Fax: (617) 832-7000

Kevin A. Oliver  
Kevin A. Oliver  
Reg. No. 42,049  
Attorney for the Applicants



June 20, 2003

Kevin Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

**Via DHL**

Pascale Fung  
Department of Electrical and Electronic Engineering  
University of Science and Technology  
Clear Water Bay, Kowloon  
Hong Kong

Re U.S. Patent Application Serial No. 09/758,034; 09/758,030; 09/858,334  
"System and Method for Utterance Verification of Chinese Long and  
Short Keywords"; "System and Method for Speech Processing with  
Limited Training Data"; and "System and Methods for Accent  
Classification and Adaptation"  
Filed: January 9, 2001; January 9, 2001 and May 15, 2001  
Our Ref. Nos.: NSO-001.01 (24793-101); NSO-002.01 (24793-201);  
NSO-009.01 -24793-901)

Dear Mr. Fung:

We represent NuSuara Technologies Sdn. Bhd.

As you may know, NuSuara Technologies recently acquired the above-identified United States patent applications that were previously owned by your former employer, Weniwen, Inc. As you likely know, you are a named inventor on these applications, and should a patent issue, your name will appear as an inventor on the issued patent.

Accordingly to U.S. law, for the subject applications to proceed, two documents must be filed with the U.S. Patent Office. First, each inventor must sign a declaration in which the inventor declares not only his/her status as an inventor, but also recognizes the other named inventors. Second, the inventors must execute assignments in which the patent rights are assigned to the employer at the time the invention was invented, which in this instance, is Weniwen, Inc. Although this may appear to be somewhat strange due to the current status of Weniwen, Inc., please know that we must connect a chain of title between yourself as the inventor, and NuSuara Technologies. That chain of title begins

20/552784.1

Pascale Fung  
June 20, 2003  
Page 2

with your employment agreement and your obligation to assign your inventions to Weniwen, Inc.

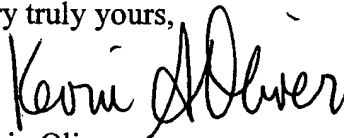
In accordance with the above, we enclose for your execution (1) Declarations of Inventorship, and, (2) Assignments to Weniwen, Inc. Please sign and date these documents where indicated by the "Sign Here" stickers.

Please also confirm that the listed country of citizenship is correct on the Declaration.

We also enclose for your convenience a return pre-paid DHL envelope. Please place the executed declarations and assignments in the return pre-paid envelope and send the same to us at your earliest convenience by providing the DHL envelope to a DHL office.

We appreciate your prompt attention to this issue. Should you have questions, please do not hesitate to contact me at (617) 832-1241, or by email at [koliver@foleyhoag.com](mailto:koliver@foleyhoag.com).

Very truly yours,



Kevin Oliver

KAO  
Enclosures

**FOLEY  
HOAG LLP**  
ATTORNEYS AT LAW



EXHIBIT B

January 6, 2004

Kevin Oliver  
Boston Office  
617.832.1241  
koliver@foleyhoag.com

**Via DHL**

Pascale Fung  
Department of Electrical and Electronic Engineering  
University of Science and Technology  
Clear Water Bay, Kowloon  
Hong Kong

Re U.S. Patent Application Serial No. 09/758,034; 09/758,030; 09/858,334  
"System and Method for Utterance Verification of Chinese Long and  
Short Keywords"; "System and Method for Speech Processing with  
Limited Training Data"; and "System and Methods for Accent  
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20/574271.1



Pascale Fung  
January 6, 2004  
Page 2

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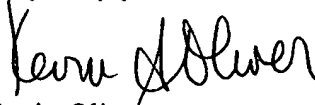
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Very truly yours,

  
Kevin Oliver

KAO/jyc  
Enclosures

